

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Brandice Elliott, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: October 11, 2019
SUBJECT: BZA Case 20128 - request for special exception relief to allow a rear and third floor addition on a row building.

I. RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception pursuant to Subtitle E § 5201:

- E § 205.4, Rear wall extension (10 ft. maximum; 8.25 ft. existing; 12.83 ft. proposed);
- E § 304.1, Lot Occupancy (60% maximum; 61.6% existing; 69.5% proposed); and
- C § 202.2, Additions to nonconforming structures.

II. LOCATION AND SITE DESCRIPTION

Address:	1421 D Street, S.E.
Applicant:	Fowler Architects for Matthew Pregmon and Arielle Giegerich
Legal Description:	Square 1062, Lot 101
Ward / ANC:	Ward 6, ANC 6B
Zone:	The RF-1 zone provides for areas developed primarily with row buildings.
Lot Characteristics:	The rectangular lot has 1,197 square feet of area and 18-feet of frontage along D Street. The rear of the lot is diagonal, having a rear property line of approximately 28-feet in length and abutting a ten-foot wide public alley.
Existing Development:	The lot is currently developed with a two-story row building.
Adjacent Properties:	To the north, across D Street, is Payne Elementary School. To the east, west, and south, are existing row buildings.
Surrounding Neighborhood Character:	The surrounding neighborhood character is predominantly moderate density residential, consisting of row buildings having one or two dwelling units and apartment houses. Payne Elementary School is located north of the subject site, and Stadium Armory Metro Station is less than one mile from the lot.

Proposed Development:	The applicant proposes to construct a rear and third story addition to the row building. The third story would have a maximum height of 35-feet and the rear addition would extend 12.83-feet beyond adjacent buildings.
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III. ZONING REQUIREMENTS and RELIEF REQUESTED

RF-1 Zone	Regulation	Existing	Proposed	Relief:
Lot Width E § 201	18 ft. min.	18 ft.	No change	None required
Lot Area E § 201	1,800 sq. ft. min.	1,197 sq.ft.	No change	Existing nonconforming
Rear Yard Addition	Shall not extend farther than 10 ft. beyond farthest rear wall of adjacent residential building.	8.25 feet (first floor)	12.83 feet (second and third floor)	Required
Height E § 303	35 ft. max.	25 ft.	35 ft.	None required
Lot Occupancy E § 304	60% max.	61.6%	69.5%	Required
Front Yard E § 305	Not provided	Not provided	No change	None required
Rear Yard E § 306	20 ft. min.	25 ft.	20.42 ft.	None required
Side Yard E § 307	None required, but 5 ft. min. if provided	0 ft.	No change	None required
Parking C § 701	None required when lot does not have access to a public alley	0 spaces	0 spaces	None required

IV. ANALYSIS

Subtitle E Chapter 5201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE

5201.1 The Board of Zoning Adjustment may approve as a special exception in the R zones relief from the following development standards of this subtitle, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:

- (a) Lot occupancy;*
- (b) Yards;*
- (c) Courts;*
- (d) Minimum lot dimensions;*
- (e) Pervious surface; and*
- (f) The limitations on enlargements or additions to nonconforming structures as set forth in Subtitle C § 202.2.*

The applicant has requested relief from lot occupancy, rear yard addition, and additions to

nonconforming structures, consistent with this section.

5201.2 Special exception relief under this section is applicable only to the following:

- (a) An addition to a residential building;*
- (b) A new or enlarged accessory structure that is accessory to such a building; or*
- (c) A reduction in the minimum setback requirements of an alley lot.*

The site is currently developed with a residential building, consistent with this section.

5201.3 An applicant for special exception under this section shall demonstrate that the proposed addition or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

- (a) The light and air available to neighboring properties shall not be unduly affected;*

The applicant proposes to add approximately 95 square feet to the footprint of an existing row building on the second floor, and a new third floor of approximately 627 square feet in area. The third story addition would be flush with the front of the building, maintaining the existing rooftop cornice, and the second and third stories would extend 12.83-feet beyond the rear walls of adjacent properties to the east and west. The first floor would remain unchanged, extending 8.25 feet beyond the rear wall of adjacent properties.

The applicant has provided a shadow study to OP demonstrating that while there would be some shadows cast on neighboring properties, it would generally be limited to the properties located to the east and west of the lot and should not be significantly more shadowing than experienced in the existing condition. As a result, the proposed rear addition and additional lot occupancy should not unduly affect the light and air available to neighboring properties. The applicant has been advised to add this shadow study to the record.

Letters of support from neighbors that would be most impacted by the addition have been provided to the record, including from the neighbors to the immediate west and east of the subject property (Exhibits 24, 25, 26, 27, 29, 30 and 31).

- (b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;*

The proposed addition should not unduly compromise the privacy of use and enjoyment of neighboring properties. The addition would be fully enclosed and would not include windows on side elevations. The applicant has provided that there would be fewer views available into the property to the west, as it is a small lot with a unique shape. While privacy to the property to the east may be slightly decreased due to the projection of the rear addition, the homeowner has provided a letter of support to the record at Exhibit 25.

- (c) The addition or accessory structure, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale, and pattern of houses along the subject street frontage;*

The proposed third story and rear addition would not visually intrude upon the character, scale, and pattern of houses along the street frontage. The third story addition would be similar in design and massing as two other buildings on the same side of the street. The front façade would feature brick and window headers that are consistent with the details currently found on the block, and a cornice similar to that above the second floor would be placed above the third-floor addition.

As provided in the applicant's submission (Exhibit 7), there are a variety of building depths within the square, with those dwellings located along the western half of D Street having the shallowest depths. The proposed additions are within the range of depths along D Street and would still result in a smaller building than many within the square.

(d) In demonstrating compliance with paragraphs (a), (b), and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways; and

The applicant has provided graphical representations, including plans, photographs and elevations sufficient to represent the relationship of the proposed addition to adjacent buildings and views from public ways (Exhibits 5 and 7).

(e) The Board of Zoning Adjustment may approve lot occupancy of all new and existing structures on the lot up to a maximum of seventy percent (70%).

The applicant has requested lot occupancy relief to allow a coverage of 69.5%, which is less than the maximum allowed by this section.

5201.4 The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.

The Office of Planning does not recommend special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features of the proposal for the protection of adjacent and nearby properties.

5201.5 This section may not be used to permit the introduction or expansion of a nonconforming use as a special exception.

The property is currently developed as a row building, which is permitted in the RF-1 zone.

5201.6 This section shall not be used to permit the introduction or expansion of nonconforming height or number of stories as a special exception.

The proposed development would add a third story and increase the building height to 35-feet, which is permitted within the RF-1 zone.

V. COMMENTS OF OTHER DISTRICT AGENCIES

As of the date of this writing, comments from other District Agencies had not been added to the record.

VI. COMMUNITY COMMENTS TO DATE

As of the date of this writing, comments from the ANC had not been filed to the record. Seven letters of support have been submitted to the record at Exhibits 24, 25, 26, 27, 29, 30, and 31.

Location Map

